

JS 44C/SDNY  
REV. 1/2008

## CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS Appellant - CREW & PA DEFENDANTS Debtors - Appellee  
William Kunz PA Well, Grosz & Manges  
ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER) ATTORNEYS (IF KNOWN)  
1001A St Paul St 1801 767 5th Ave NY NY 10153  
NIM MULLER ISRAEL, MA 02554  
CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)  
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)  
Bankruptcy Appeal  
Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned W. L. Cudum  
If yes, was this case Vol ☒ Invol. ☐ Dismissed ☐ No ☒ Yes ☐ If yes, give date See Docket & Case No. 08-13555 #1502  
(PLACE AN [x] IN ONE BOX ONLY) NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES			
<b>CONTRACT</b>	<b>PERSONAL INJURY</b>	<b>PERSONAL INJURY</b>	<b>FORFEITURE/PENALTY</b>	<b>BANKRUPTCY</b>	<b>OTHER STATUTES</b>
[ ] 110 INSURANCE	[ ] 310 AIRPLANE	[ ] 362 PERSONAL INJURY -	[ ] 610 AGRICULTURE	[ ] 422 APPEAL	[ ] 400 STATE
[ ] 120 MARINE	[ ] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[ ] 620 OTHER FOOD &	28 USC 158	REAPPORTIONMENT
[ ] 130 MILLER ACT	LIABILITY	[ ] 365 PERSONAL INJURY	DRUG	[ ] 423 WITHDRAWAL	[ ] 410 ANTITRUST
[ ] 140 NEGOTIABLE	[ ] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	[ ] 625 DRUG RELATED	28 USC 157	[ ] 430 BANKS & BANKING
INSTRUMENT	SLANDER	[ ] 388 ASBESTOS PERSONAL	SEIZURE OF		[ ] 450 COMMERCE
[ ] 150 RECOVERY OF	[ ] 330 FEDERAL	INJURY PRODUCT	PROPERTY		[ ] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY	21 USC 881	<b>PROPERTY RIGHTS</b>	[ ] 470 RACKETEER INFLU-
ENFORCEMENT	LIABILITY		[ ] 630 LIQUOR LAWS	[ ] 820 COPYRIGHTS	ENCED & CORRUPT
OF JUDGMENT	[ ] 340 MARINE	<b>PERSONAL PROPERTY</b>	[ ] 640 RR & TRUCK	[ ] 830 PATENT	ORGANIZATION ACT
[ ] 151 MEDICARE ACT	[ ] 345 MARINE PRODUCT		[ ] 650 AIRLINE REGS	[ ] 840 TRADEMARK	(RICO)
[ ] 152 RECOVERY OF	LIABILITY	[ ] 370 OTHER FRAUD	[ ] 660 OCCUPATIONAL		[ ] 480 CONSUMER CREDIT
DEFAULTED	[ ] 350 MOTOR VEHICLE	[ ] 371 TRUTH IN LENDING	SAFETY/HEALTH		[ ] 490 CABLE/SATELLITE TV
STUDENT LOANS	[ ] 355 MOTOR VEHICLE	[ ] 380 OTHER PERSONAL		<b>SOCIAL SECURITY</b>	[ ] 810 SELECTIVE SERVICE
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	[ ] 690 OTHER		[ ] 850 SECURITIES/
[ ] 153 RECOVERY OF	[ ] 360 OTHER PERSONAL	PRODUCT LIABILITY	<b>LABOR</b>	[ ] 861 HIA (1395f)	COMMODITIES/
OVERPAYMENT	INJURY		[ ] 710 FAIR LABOR	[ ] 862 BLACK LUNG (923)	EXCHANGE
OF VETERAN'S			STANDARDS ACT	[ ] 863 DIWC/DIWW (405(g))	[ ] 875 CUSTOMER
BENEFITS			LABOR/MGMT	[ ] 864 SSID TITLE XVI	CHALLENGE
[ ] 160 STOCKHOLDERS			RELATIONS	[ ] 865 RSI (405(g))	12 USC 3410
SUITS			[ ] 720 LABOR/MGMT		[ ] 890 OTHER STATUTORY
[ ] 190 OTHER			REPORTING &	<b>FEDERAL TAX SUITS</b>	ACTIONS
CONTRACT	<b>ACTIONS UNDER STATUTES</b>	<b>PRISONER PETITIONS</b>	DISCLOSURE ACT	[ ] 870 TAXES (U.S. Plaintiff or	[ ] 891 AGRICULTURAL ACTS
[ ] 195 CONTRACT	<b>CIVIL RIGHTS</b>	[ ] 510 MOTIONS TO	[ ] 740 RAILWAY LABOR ACT	Defendant)	[ ] 892 ECONOMIC
PRODUCT	[ ] 441 VOTING	VACATE SENTENCE	[ ] 790 OTHER LABOR	[ ] 871 IRS-THIRD PARTY	STABILIZATION ACT
LIABILITY	[ ] 442 EMPLOYMENT	28 USC 2255	LITIGATION	28 USC 7609	[ ] 893 ENVIRONMENTAL
[ ] 196 FRANCHISE	[ ] 443 HOUSING/	HABEAS CORPUS	[ ] 791 EMP RET INC		MATTERS
	ACCOMMODATIONS	[ ] 530	SECURITY ACT		[ ] 894 ENERGY
<b>REAL PROPERTY</b>	[ ] 444 WELFARE	DEATH PENALTY	<b>IMMIGRATION</b>		ALLOCATION ACT
[ ] 210 LAND	[ ] 445 AMERICANS WITH	[ ] 535	[ ] 482 NATURALIZATION		[ ] 895 FREEDOM OF
CONDEMNATION	DISABILITIES -	MANDAMUS & OTHER	APPLICATION		INFORMATION ACT
[ ] 220 FORECLOSURE	EMPLOYMENT	[ ] 540	HABEAS CORPUS-		[ ] 900 APPEAL OF FEE
RENT LEASE &	[ ] 448 AMERICANS WITH	CIVIL RIGHTS	ALIEN DETAINEE		DETERMINATION
EJECTMENT	DISABILITIES -OTHER	[ ] 550 PRISON CONDITION	[ ] 463 OTHER IMMIGRATION		UNDER EQUAL
[ ] 240 TORTS TO LAND	[ ] 440 OTHER CIVIL RIGHTS		ACTIONS		ACCESS TO JUSTICE
[ ] 245 TORT PRODUCT					CONSTITUTIONALITY
LIABILITY					OF STATE STATUTES
[ ] 290 ALL OTHER					
REAL PROPERTY					

Check if demanded in complaint:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?  
IF SO, STATE:

DEMAND \$ \_\_\_\_\_ OTHER \_\_\_\_\_ JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

Check YES only if demanded in complaint  
JURY DEMAND: ☐ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ Original Proceeding ☐ 2a. Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from (Specify District) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court AND at least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF ☐ 2 U.S. DEFENDANT ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY) ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE  
CITIZENSHIP BELOW.  
(28 USC 1322, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF [ ] [ ]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [ ] [ ]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF [ ] [ ]
CITIZEN OF ANOTHER STATE	[ ] [ ]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[ ] [ ]	FOREIGN NATION	[ ] [ ]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Appellant William Kurz <sup>III</sup>  
Indian St POB 184  
Manhattan MA 02574-1801  
Manhattan County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Lehman Brothers. Holding  
NY NY  
NY County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO:  
(DO NOT check either box if this is a PRISONER PETITION.)

☐ WHITE PLAINS

☐ MANHATTAN

DATE Dec 8, 08 SIGNATURE [Signature]

ADMITTED TO PRACTICE IN THIS DISTRICT

[ ] NO

[ ] YES (DATE ADMITTED Mo. \_\_\_\_ Yr. \_\_\_\_)

RECEIPT #

Attorney Bar Code #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge \_\_\_\_\_

is so Designated.

J. Michael McMahon, Clerk of Court by \_\_\_\_\_ Deputy Clerk, DATED \_\_\_\_\_

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)